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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 POWER COMPANY, INC. D/B/A THE
14 CRAZY HORSE TOO, *et al.*,

15 Defendants.

Case No. 2:06-CR-0186-KJD-PAL

ORDER

16 Presently before the Court is Joseph Van Coutren's Motion for Release of Funds (#539). The
17 United States filed a response in opposition (#545). Also before the Court is the United States'
18 Motion to Substitute and to Forfeit Property of Power Company (#549). Defendants Rizzolo and the
19 Power Company, Inc. filed responses in opposition (#551/552), essentially arguing that the funds
20 should be distributed and count towards the restitution owed to the Internal Revenue Service ("IRS").
21 The Government filed responses (#553/554).

22 However, Movant/Party-in-Interest Joseph Van Coutren failed to file a response in opposition
23 to the United States' Motion to Substitute and to Forfeit. Therefore, in accordance with Local
24 Criminal Rule 47-9, and good cause being found, Van Coutren's Motion (#539) is **DENIED** and the
25 United States' Motion to Substitute and to Forfeit is granted as to Van Coutren's interest.
26 Furthermore, the Rizzolo and Power Company Inc. motions fail to oppose the substance of the

1 Government's motion and merely attempt to influence the Court to designate the distribution in a
2 manner favorable to those parties. Accordingly, good cause being found, the Court grants the motion
3 to substitute and forfeit.

4 **SUBSTITUTION AND FORFEITURE ORDER**

5 This Court, having read and considered the Government's Motion to Substitute and to Forfeit
6 Property of Power Company, Inc., and good cause appearing, finds the asset described below is
7 owned by Power Company, Inc., and that the property subject to criminal forfeiture (1) cannot be
8 located upon the exercise of due diligence; (2) has been transferred to a third party; and (3) has been
9 placed beyond the jurisdiction of the court.

10 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the following asset is
11 substituted and is forfeited to the United States of America pursuant to 18 U.S.C. § 1963(m):

12 \$50,000 non-refundable, liquidated damages at Nevada Title, Account Number 53790356718
13 ("property").

14 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the United States of
15 America is now entitled to, and should, reduce the aforementioned property to the possession of the
16 United States of America;

17 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the United States of
18 America should take into custody the aforementioned property;

19 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that all right, title, and
20 interest of Power Company, Inc. in the aforementioned property is forfeited and is vested in the
21 United States of America and shall be safely held by the United States of America until further order
22 of the Court;

23 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** the United States of
24 America shall publish for at least thirty (30) consecutive days on the official internet government
25 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
26 property, state the time under the applicable statute when a petition contesting the forfeiture must be

1 filed, and state the name and contact information for the government attorney to be served with the
2 petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 18, United States Code, Section 1963(l)(2).

3 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that any individual or
4 entity who claims an interest in the aforementioned property must file a petition for a hearing to
5 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
6 signed by the petitioner under penalty of perjury pursuant to Title 18, United States Code, Section
7 1963(l)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature and extent of
8 the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the
9 petitioner's petition and the relief sought.

10 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** a petition, if any, must be
11 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
12 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty
13 (60) days after the first day of the publication on the official internet government forfeiture site,
14 www.forfeiture.gov.

15 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** a copy of the petition, if
16 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
17 following address at the time of filing:

18 Daniel Hollingsworth
19 Assistant United States Attorney
20 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 500
Las Vegas, NV 89101

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1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 DATED this 27th day of October 2015.

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Kent J. Dawson
United States District Judge